

Labor, Health and Human Services, and Education: FY2011 Appropriations

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Summary

This report tracks FY2011 appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED). This legislation provides discretionary funds for three major federal departments and 14 related agencies. The report summarizes L-HHS-ED discretionary funding issues but not authorization or entitlement issues.

President Obama requested \$172 billion in discretionary L-HHS-ED funds for FY2011, compared to \$165 billion provided in the FY2010 Consolidated Appropriations Act (P.L. 111-117, Division D). The House L-HHS-ED Appropriations Subcommittee held a markup session in July 2010, but the full committee did not report a bill. In August 2010, the Senate Committee on Appropriations reported S. 3686 (S.Rept. 111-243), its FY2011 L-HHS-ED proposal, recommending \$171 billion in discretionary funds. A continuing appropriations resolution, P.L. 111-242 as amended, provides temporary funding for the government until April 8, 2011, at the FY2010 rate of operations for most programs. However, P.L. 112-4 and P.L. 112-6 reduced funding for some L-HHS-ED programs by a total of about \$2.5 billion. The House passed a full-year government funding bill, H.R. 1, on February 19, 2011, which would have reduced L-HHS-ED funding by about \$25 billion and included several controversial policy riders. On March 9, the Senate rejected both H.R. 1 and a substitute amendment that would have cut L-HHS-ED funds by about \$0.5 billion.

Department of Labor (DOL). The Administration requested \$14.0 billion in discretionary funding for DOL for FY2011, compared to \$13.5 billion provided for FY2010. The request included increases for Unemployment Compensation, youth training, and adult training. The Senate Appropriations Committee approved \$13.9 billion. H.R. 1 and the Senate amendment would have provided \$8.6 billion and \$13.2 billion, respectively.

Department of Health and Human Services (HHS). The Administration requested \$74.7 billion in discretionary funding for HHS for FY2011, compared to \$73.0 billion provided for FY2010. The request included increases for Health Centers, National Institutes of Health, Health Care Fraud and Abuse Control, Child Care and Development Block Grant, and Head Start. The Senate Appropriations Committee approved \$75.0 billion. H.R. 1 and the Senate amendment would have provided \$64.7 billion and \$72.9 billion, respectively.

Department of Education (ED). The Administration requested \$67.8 billion in discretionary funding for ED for FY2011, compared to \$64.3 billion provided for FY2010. The request included two programs previously funded by the American Recovery and Reinvestment Act (P.L. 111-5), and would increase funding for several additional programs in FY2011. The Senate Appropriations Committee approved \$67.0 billion. H.R. 1 and the Senate amendment would have provided \$59.4 billion and \$70.1 billion, respectively.

Related Agencies. The Administration requested \$15.2 billion in discretionary funding for Related Agencies for FY2011, compared to \$14.1 billion provided for FY2010. The Senate Appropriations Committee approved \$15.2 billion. H.R. 1 and the Senate amendment would have provided \$12.3 billion and \$14.4 billion, respectively.

Note that at present, only the Summary and the Most Recent Developments sections of this report have been updated to reflect the 112th Congress's activities on continuing resolutions and full-year appropriations proposals. Links to other recent CRS reports are provided. The balance of this report discusses the President's request and the Senate Appropriations Committee bill.

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Most Recent Developments

Continuing Appropriations Resolution (CR) Further Extended in the 112th Congress (P.L. 112-4 and P.L. 112-6); Full-Year Continuing Appropriations Measures Considered (H.R. 1 and S.Amdt. 149)

P.L. 111-242, the initial Continuing Appropriations Act, 2011, was amended twice more in March 2011 to provide more time for Congress to resolve differences on final federal funding for FY2011.¹ Interim funding was provided by P.L. 112-4 (H.J.Res. 44) through March 18, 2011 (two weeks), and by P.L. 112-6 (H.J.Res. 48) through April 8, 2011 (three weeks). In contrast to the four CRs enacted in 2010, which largely continued funding at FY2010 rates of operations, the two CRs enacted in March 2011 cut overall discretionary budget authority for FY2011 by selectively terminating or reducing funding for some programs and some earmarks. The two-week CR, P.L. 112-4, reduced FY2011 annualized funding by \$4 billion overall compared to FY2010 levels,² and the three-week CR, P.L. 112-6, cut another \$6 billion from the annualized total.³ Within those totals, discretionary programs funded in the Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED) appropriations act were reduced by approximately \$1.5 billion and \$1.0 billion, respectively, according to the Congressional Budget Office (CBO).⁴ All of the program reductions enacted in the two CRs (a total of \$10 billion) were originally proposed in H.R. 1, discussed below.

Full-year appropriations proposals for FY2011 have also been considered by the 112th Congress. Prior to enactment of P.L. 112-4, the House passed H.R. 1 on February 19, 2011. The bill would have provided regular FY2011 appropriations for the Department of Defense and continuing appropriations for the rest of the government, with specified reductions below FY2010 levels for many domestic discretionary programs.⁵ CBO estimated at the time that the bill would have reduced overall non-emergency discretionary budget authority by \$61.5 billion from FY2010 levels; the L-HHS-ED share of the reduction was estimated at \$25.5 billion.⁶ On March 9, 2011,

¹ For more information on continuing appropriations, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter.

² For a summary of the CR, see House Appropriations Committee, "Continuing Resolution Unveiled Today Will Continue Government Operations, Cut Spending," press release, February 25, 2011, http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=266&Month=2&Year=2011.

³ For a summary of the CR, see House Appropriations Committee, "Appropriations Committee Introduces Three Week Continuing Resolution—Bill will Prevent Government Shutdown, Cut \$6 Billion in Spending," press release, March 11, 2011, http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=273&Month=3&Year=2011.

⁴ See various CBO cost estimates available at Congressional Budget Office, *Continuing Resolutions for FY 2011*, <http://www.cbo.gov/publications/collections/collections.cfm?collect=17>.

⁵ For details on H.R. 1 as introduced, see House Appropriations Committee, "House Appropriations Committee Introduces CR Containing Largest Spending Cuts in History," press release, February 11, 2011, http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=261&Month=2&Year=2011. For a list of the amendments to H.R. 1 as passed, see House Appropriations Committee, "Rogers: CR is a 'Monumental Accomplishment' for American Taxpayers," press release, February 19, 2011, http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=264&Month=2&Year=2011.

⁶ See Congressional Budget Office (CBO), *Continuing Resolutions for FY 2011*, <http://www.cbo.gov/publications/collections/collections.cfm?collect=17>. The initial estimate by the House Appropriations Committee of savings in L-HHS-ED programs was lower.

the Senate rejected both H.R. 1 and a substitute amendment (S.Amdt. 149) offered by Senator Inouye.⁷ According to CBO, the funding reductions proposed in the Senate amendment were \$8.7 billion below FY2010 levels overall and \$0.5 billion below FY2010 levels for L-HHS-ED agencies.⁸ On April 1, 2011, the House passed H.R. 1255, which would enact H.R. 1 if the Senate fails to pass FY2011 appropriations.

In addition to appropriations, H.R. 1 as passed by the House also included a number of potentially controversial policy riders, many of which are matters of debate in ongoing budget negotiations. They are often in the form of “limitation amendments” that prohibit the use of funding in the bill for certain activities. Examples of such provisions affecting L-HHS-ED funding include several that prohibit spending to implement, in whole or in part, the March 2010 health care reform laws (P.L. 111-148, P.L. 111-152); a prohibition on funding the Planned Parenthood Federation of America, Inc., or any of its affiliates; and a ban on funding Department of Education forthcoming rules on federal student aid to for-profit colleges.

For further analysis from CRS on funding under the various proposals for FY2011 appropriations, see the following: CRS Report R41703, *FY2011 Appropriations: A Side-by-Side Comparison of Key Proposals*; CRS Report R41657, *Proposed FY2011 Appropriations for the Departments of Education and Labor Under H.R. 1 and Related Bills*; and CRS Report R41737, *Public Health Service (PHS) Agencies: Overview and Funding, FY2010-FY2012*. Additional reports related to Labor-HHS-ED appropriations are listed on the CRS Issues in Focus page at <http://crs.gov/pages/subissue.aspx?cliid=2347&parentid=73&preview=False>.

FY2011 Interim CRs Enacted (P.L. 111-242) and Extended (P.L. 111-290, P.L. 111-317, and P.L. 111-322) in the 111th Congress

On September 30, 2010, the President signed into law H.R. 3081, the Continuing Appropriations Act, 2011 (P.L. 111-242), which provided temporary funding at the FY2010 rate of operations for most government agencies for the period October 1 through December 3, 2010, unless regular FY2011 appropriations measures were enacted sooner. The law was amended on December 4 (P.L. 111-290), December 18 (P.L. 111-317), and December 22, 2010 (P.L. 111-322), to extend the expiration date of the CR and provide for some special funding situations (known as “anomalies”) for certain programs. P.L. 111-322 extended funding through March 4, 2011.⁹

Under the FY2011 continuing resolution, the funding level for most activities is provided at a rate of operations like that provided in FY2010 appropriations acts and under the same conditions and authority. Only the most limited funding actions are authorized in order to provide for the continuation of projects and activities. New initiatives are prohibited. For programs with high

⁷ For details on the L-HHS-ED provisions of S.Amdt. 149 as offered, see Senate Appropriations Committee, Subcommittee on L-HHS-ED, “Summary of Year-Long CR Provisions,” press release, March 4, 2011, <http://appropriations.senate.gov/news.cfm?method=news.view&id=4083904b-4b7f-49cc-b783-1ea62c80de85>, as well as an accompanying chart at <http://appropriations.senate.gov/news.cfm?method=news.view&id=13dc6492-04b4-4ad4-9c13-936ba0d9ccad>. For the committee’s summary of the whole amendment, see Senate Appropriations Committee, “Democrats Propose Responsible Spending Reductions in Continuing Resolution to Fund Government through the Remainder of Fiscal Year 2011,” press release, March 4, 2011, <http://appropriations.senate.gov/news.cfm?method=news.view&id=7e62b4eb-ed09-4dd4-86f0-411534783127>.

⁸ See Congressional Budget Office (CBO), *Continuing Resolutions for FY 2011*, <http://www.cbo.gov/publications/collections/collections.cfm?collect=17>. Note that funding estimates and savings amounts for the Senate amendment, as cited by the Senate Appropriations Committee documents above, differ in several totals from the CBO estimates and from CRS analysis.

⁹ For a summary of elements included in the CR, see Senate Committee on Appropriations, “Summary of Continuing Resolution through March 4, 2011,” press release, December 19, 2010, at <http://appropriations.senate.gov/>.

spend-out rates that normally would occur early in the fiscal year, special restrictions prohibit spending levels that would impinge on final FY2011 funding decisions. For entitlements and other mandatory activities, spending is allowed that would maintain existing program levels under current law, including additional funding, if needed, to continue benefits for eligible beneficiaries.

Senate Bill S. 3686 Reported

On August 2, 2010, the Senate Committee on Appropriations reported S. 3686 (S.Rept. 111-243), its proposal for FY2011 L-HHS-ED appropriations. The committee recommended \$171.1 billion in discretionary L-HHS-ED funds.

House Subcommittee Markup Held

The House L-HHS-ED Appropriations Subcommittee held a markup session on July 15, 2010, and approved a draft bill, but the full committee did not take further action. The subcommittee published only a summary table showing some of the discretionary program levels approved at the markup.

President's Budget Submitted

On February 1, 2010, President Obama submitted his FY2011 budget to Congress. Modified by some later adjustments, the request included \$171.7 billion in discretionary funds for programs covered in the L-HHS-ED appropriations bill.

Table 1 summarizes the legislative status of FY2011 L-HHS-ED appropriations.

Table 1. Legislative Status of L-HHS-ED Appropriations, FY2011

Subcommittee Markup							Conference Report Approval		Public Law
House	Senate	House Comm.	House Passage	Senate Comm.	Senate Passage	Conf. Report	House Passage	Senate Passage	
Action on Regular L-HHS-ED Appropriations									
7/15/10 ^a	7/27/10 ^b			8/2/10 ^c S. 3686, S.Rept. 111-243					
Action on Government-Wide Appropriations									
			2/19/11 ^d H.R. 1						Interim continuing resolutions ^e

Source: Congressional Research Service (CRS). See CRS FY2011 *Status Table of Appropriations*, available at <http://crs.gov/Pages/AppropriationsStatusTable.aspx>.

- The House Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2011 hearings on March 10, 2010. The Subcommittee marked up its proposal for FY2011 L-HHS-ED appropriations on July 15, 2010, approving it by a vote of 11-5.
- The Senate Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2011 hearings on March 10, 2010. The Subcommittee marked up its version of the FY2011 L-HHS-ED appropriations on July 27, 2010, approving it by a voice vote.
- S. 3686:** The Senate Committee on Appropriations approved its version of the L-HHS-ED appropriations for FY2011 on July 29, 2010, by a vote of 18-12, and ordered the bill reported. Subsequently, S. 3686, (S.Rept. 111-243) was introduced and reported on August 2, 2010.

- d. H.R. 1 (112th Congress): The Full-Year Continuing Appropriations Act, 2011, was introduced on February 11, 2011, and was passed by the House on February 19, 2011, by a vote of 235-189. On March 9, 2011, the Senate rejected H.R. 1 by a vote of 44-56 and also rejected a substitute amendment, S.Amdt. 149, by a vote of 42-58.
- e. P.L. 111-242: The Continuing Appropriations Act, 2011 (P.L. 111-242, H.R. 3081), provided temporary FY2011 funding for the whole government for the period October 1, 2010, through December 3, 2010. The expiration date was subsequently extended to December 18, 2010, by P.L. 111-290; to December 21, 2010, by P.L. 111-317; to March 4, 2011, by P.L. 111-322; to March 18, 2011, by P.L. 112-4; and to April 8, 2011, by P.L. 112-6.

Note on Most Recent Data

At present, only the Summary and the Most Recent Developments sections of this report have been updated to reflect the 112th Congress's activities on continuing resolutions and full-year appropriations proposals. The balance of the report discusses the President's request and the Senate Appropriations Committee bill from the 111th Congress.

In this report, unless stated otherwise, data on FY2010 appropriations and FY2011 proposals are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table at the back of S.Rept. 111-243). Funding amounts are rounded to the nearest million. The dollar changes and percent changes discussed in the text are based on unrounded amounts.

The data for FY2010 appropriations primarily reflect enactment of P.L. 111-117, the Consolidated Appropriations Act, 2010, on December 16, 2009. Some FY2010 amounts were subsequently affected by transfers or adjustments for comparability. The data for FY2010 do not reflect enactment of several laws providing supplemental appropriations, or in a few cases, rescissions of previously appropriated funds. These include the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5, enacted February 17, 2009), which provided supplemental FY2009 appropriations that carried over to FY2010; the Patient Protection and Affordable Care Act (PPACA, P.L. 111-148, as amended by P.L. 111-152, both enacted in March 2010); the Supplemental Appropriations Act, 2010 (P.L. 111-212, July 29, 2010); and an unnamed law funding education jobs and Medicaid (P.L. 111-226, August 10, 2010).

The data for FY2011 reflect the President's budget request as of July 2010 and the Senate committee recommendations on S. 3686. Amounts for the Department of Education request, however, were revised after the Senate committee table was published, and reflect information available on the ED website at <http://www2.ed.gov/about/overview/budget/tables.html?src=ct>. The revision was not presented as an official budget amendment.

In most cases, data represent net funding for specific programs and activities, and take into account current and forward funding and advance appropriations; however, all data are subject to additional budgetary scorekeeping. Except where noted, data refer only to those programs within the purview of L-HHS-ED appropriations, and not to all programs within the jurisdiction of the relevant departments and agencies. Funding from other appropriations bills, and entitlements funded outside of the annual appropriations process, are excluded.

Overview

This report describes the highlights of President Obama's proposals for FY2011 appropriations for L-HHS-ED programs, as submitted to Congress on February 1, 2010, and the congressional response to those proposals. Discussions focus primarily on discretionary programs. The report does not follow specific funding issues related to mandatory L-HHS-ED programs—such as Medicare or Social Security—nor does it follow any authorizing legislation related to the

President's budget initiatives. For a glossary of budget terms and relevant websites, see the **Appendix**, "Terminology and Web Resources."

The L-HHS-ED bill typically is one of the more controversial of the regular appropriations bills because of the size of its funding total and the scope of its programs, as well as various related issues, such as restrictions on the use of federal funds for abortion and for research on human embryos and stem cells. This bill provides discretionary and mandatory funds to three federal departments and 14 related agencies, including the Social Security Administration (SSA). Discretionary funding represents less than one-quarter of the total in the bill. Among the various appropriations bills, L-HHS-ED is the largest single source of discretionary funds for domestic (non-defense) federal programs (the Department of Defense bill is the largest source of discretionary funds among all federal programs).

This section presents several overview tables on funding in the bill, particularly discretionary funding, and discusses related issues such as 302(b) allocations and advance appropriations. Later sections provide details on individual L-HHS-ED departments and agencies.

Discretionary and Mandatory Funding: Program Level Appropriations and Current Year Appropriations

Table 2 summarizes the L-HHS-ED appropriations enacted for FY2010 and proposed for FY2011, including both discretionary and mandatory appropriations. The table shows various aggregate measures of L-HHS-ED appropriations, including the discretionary program level, current year level, and advance appropriations, as well as scorekeeping adjustments.

- **Program level discretionary appropriations** reflect the total discretionary appropriations in a given bill, regardless of the year in which they will be spent, and therefore include advance funding for future years. *Unless otherwise specified, appropriations levels in this report refer to program level amounts.*
- **Current year discretionary appropriations** represent discretionary appropriations in a given bill for the current year, plus discretionary appropriations for the current year that were enacted in prior years—for example, FY2011 appropriations that were enacted in the FY2010 act. As the annual congressional appropriations process unfolds, current year discretionary appropriations, including scorekeeping adjustments (see below), are measured against the 302(b) allocation ceilings (discussed later in this report). Note that media reports and comments from the Administration about appropriations activities typically cite figures representing the current year discretionary totals rather than the program levels in the bill.
- **Advance appropriations** are funds that will not become available until after the fiscal year for which the appropriations are enacted (for example, funds for certain education programs like Special Education State Grants that were included in the FY2010 act that could not be spent before FY2011 at the earliest).
- **Scorekeeping adjustments** are made to account for special funding situations, as monitored by the Congressional Budget Office (CBO).

Because appropriations may consist of mixtures of budget authority enacted in various years, both of the summary measures mentioned above are frequently used: program level appropriations and

current year appropriations. How are these measures related? For an “operational definition,” program level funding equals (a) current year, plus (b) advances for future years, minus (c) advances from prior years, and minus (d) scorekeeping adjustments. **Table 2** shows each of these amounts for discretionary funding, along with funding levels for mandatory programs, and the grand total for L-HHS-ED.

Table 2. L-HHS-ED Appropriations Summary, FY2010-FY2011

(dollars in billions)

Type of Budget Authority	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Discretionary Appropriations				
Program level: current bill for any	164.9	171.7	171.1	
Current year: current year from any bill (after scorekeeping)	163.7	170.5	169.6	
Advances for future years (in the current bill)	24.8	24.8	24.8	
Advances from prior years (from previous bills)	24.8	24.8	24.8	
Scorekeeping adjustments	-1.1	-1.2	-1.5	
Current Year Discretionary and Mandatory Funding				
Discretionary (compare to 302(b))	163.7	170.5	169.6	
Mandatory	575.0	562.3	562.3	
Total, current year	738.7	732.8	731.9	
Program Level Totals of Funding for L-HHS-ED Bill, Any Year				
Discretionary program level	164.9	171.7	171.1	
Mandatory program level	590.8	559.4	559.4	
Grand total, any year	755.7	731.2	730.6	

Source: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report. Appropriations are given only for programs included in the annual L-HHS-ED bill.

Note: Details may not add to totals due to rounding. Both FY2010 and FY2011 mandatory amounts are estimates that are subject to adjustments after the close of their respective fiscal years. All amounts in the table are subject to change through the enactment of further supplementals and rescissions.

Discretionary Funding Trends, FY2002-FY2010

The L-HHS-ED appropriations bills include both mandatory and discretionary funds; however, the appropriations committees fully control only the discretionary funds. Mandatory funding levels for programs included in the annual appropriations bills are modified through changes in the authorizing legislation. Typically, these changes are accomplished through authorizing committees by means of reconciliation legislation, and not through appropriations committees in annual appropriations bills.

Table 3 shows the trend in discretionary budget authority enacted in the regular (not including supplementals) L-HHS-ED appropriations for FY2002 through FY2010. During these years, L-HHS-ED discretionary funds have grown by 30% from \$127.2 billion in FY2002 to \$164.9 billion in FY2010, an increase of \$37.7 billion.

Table 3. L-HHS-ED Discretionary Funding Trends, FY2002-FY2010

(budget authority in billions of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
127.2	132.4	139.7	143.4	141.5	144.7	148.6	160.1	164.9

Sources: L-HHS-ED totals for FY2002-FY2005 discretionary budget authority are based on annual conference reports for L-HHS-ED appropriations and, therefore, may not be completely comparable from year to year. Subsequent years are based on tables from the House Committee on Appropriations: FY2006 total from the April 17, 2007, table; FY2007 total from the December 17, 2007, table; FY2008 total from the March 2009 table; and FY2009 total (increased by earlier LIHEAP funding) from the December 9, 2009, table. The FY2010 total is from the August 24, 2010, table from the Senate Committee on Appropriations. Totals reflect only regular L-HHS-ED appropriations, and do not include supplemental appropriations.

Discretionary Appropriations by Bill Title, FY2010-FY2011

The annual L-HHS-ED appropriations act typically includes five titles. The first three provide appropriations and program direction for the Department of Labor (Title I), the Department of Health and Human Services (Title II), and the Department of Education (Title III). Each of the three titles includes some sections of “General Provisions” for the department; they provide specific program directions, modifications, or restrictions that the appropriators wish to convey in bill language, not just in report language. Title IV covers funding for 14 related agencies, the largest of which is the Social Security Administration. Title V contains general provisions with broader policy application than those in the department titles. Occasionally, the act has one or more additional titles, which may be legislative (authorizing) language rather than appropriations provisions.¹⁰

Table 4 summarizes by title the program level discretionary spending that was provided for FY2010 and proposed for FY2011 L-HHS-ED appropriations and compares the program level totals with the current year discretionary totals.

Table 4. L-HHS-ED Discretionary Funding by Bill Title, FY2010-FY2011

(dollars in millions)

	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Discretionary Appropriations, Program Level (total in bill for any year)				
Title I, Department of Labor	13,534	13,972	13,907	
Title II, Department of Health and Human Services	72,998	74,699	75,005	
Title III, Department of Education	64,278	67,840	67,032	
Title IV, Related Agencies	14,076	15,232	15,192	
Total discretionary, program level	164,885	171,743	171,137	
Discretionary Appropriations, Current Year from Any Bill (after scorekeeping adjustments)				

¹⁰ For example, the FY2008 L-HHS-ED appropriations act (Division G of P.L. 110-161) included a Title VI that provided for establishment of a National Commission on Children and Disasters. The FY2009 L-HHS-ED appropriations act (Division F of P.L. 111-8) included the Afghan Allies Protection Act of 2009 (relating to special immigrant status of certain persons) as Title VI. The FY2010 act included only five titles.

	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Title I, Department of Labor	13,696	13,983	13,919	
Title II, Department of Health and Human Services	72,424	74,260	74,566	
Title III, Department of Education	63,717	67,243	66,415	
Title IV, Related Agencies	13,890	15,016	14,726	
Total Discretionary, current year	163,727	170,503	169,626	

Sources: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report. Appropriations are given only for programs included in the annual L-HHS-ED bill. Details may not add to totals due to rounding.

302(a) and 302(b) Allocation Ceilings

The House and Senate Appropriations Committees and their 12 parallel subcommittees are not free to fund their bills at whatever levels they might wish. Instead, the maximum budget authority for annual appropriations acts is determined under procedures laid out by the Congressional Budget Act of 1974, as amended. First, through the annual concurrent resolution on the budget, Congress establishes the *302(a) allocations*—the maximum spending totals for a given fiscal year that are allowed for the two appropriations committees and various authorizing committees.¹¹ For further information, see CRS Report RS20144, *Allocations and Subdivisions in the Congressional Budget Process*, by Bill Heniff Jr.; and CRS Report R40472, *The Budget Resolution and Spending Legislation*, by Megan Suzanne Lynch.

Second, the House and Senate Committees on Appropriations separately subdivide their 302(a) allocations and establish the *302(b) allocations*—the maximum discretionary budget authority available to each of the 12 subcommittees for each annual appropriations bill. The total of these allocations must not exceed the 302(a) discretionary total. This process creates the basis for enforcing discretionary budget discipline, since any appropriations bill reported with a total above the ceiling is subject to a point of order. The 302(b) allocations can and often do get adjusted during the year as the various appropriations bills progress toward final enactment. **Table 5** shows the 302(b) discretionary allocations for the FY2011 L-HHS-ED appropriations determined by the House and Senate Committees on Appropriations, together with the comparable amount for the FY2010 appropriations. Both the 302(a) and 302(b) allocations regularly become contested issues in their own right.

Table 5. FY2011 302(b) Discretionary Allocations for L-HHS-ED
(budget authority in billions of dollars)

FY2010 Comparable	FY2011 House Allocation	FY2011 Senate Allocation	FY2011 Enacted
163.3	176.4	169.6	

¹¹ In years when the House and Senate do not reach a budget agreement, as was the case for the FY2011 budget, these totals may be set through leadership arrangements in each chamber.

Sources: The FY2011 House allocation is based on H.Rept. 111-565, July 26, 2010; the FY2011 Senate allocation is based on the Senate Appropriations Committee “FY 2011 Subcommittee Spending Guidance,” July 15, 2010; and the comparable amount for FY2010 budget authority is based on the August 24, 2010, table from the Senate Appropriations Committee.

Advance Appropriations

Advance appropriations occur when funds enacted in one fiscal year are not available for obligation until a subsequent fiscal year. For example, P.L. 111-117, which enacted FY2010 L-HHS-ED appropriations, provided \$445 million for the Corporation for Public Broadcasting (CPB) for use in FY2012. Advance appropriations may be used to meet several objectives. These might include the provision of long-term budget information to recipients, such as state and local educational systems, to enable better planning of future program activities and personnel levels. The more contentious aspect of advance appropriations, however, involves how they are counted in budget ceilings.

Advance appropriations avoid the 302(a) and 302(b) allocation ceilings for the current year, but must be counted in the year in which they first become available for obligation. This procedure uses up ahead of time part of what will be counted against the allocation ceiling in future years. For FY2002, President George W. Bush’s budget proposed eliminating advance appropriations for federal discretionary programs, including those for L-HHS-ED programs. Congress rejected that idea, and the proposal has not been repeated. For more information, see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by Sandy Streeter.

Department of Labor

Discretionary appropriations for the Department of Labor (DOL) for FY2010 were \$13,534 million. For FY2011, the Obama Administration requested \$13,972 million, \$438 million (3.2%) more than the amount provided for FY2010. The Senate Appropriations Committee would provide DOL with \$13,907 million in discretionary funding for FY2011, a 2.8% increase over the amount provided for FY2010. See **Table 6**.

Table 6. Department of Labor Discretionary Appropriations

(dollars in billions)

Funding	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Appropriations	13.5	14.0	13.9	

Source: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report.

Appropriations are given only for programs included in the annual L-HHS-ED bill. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory DOL programs were funded at \$3.1 billion for FY2010 and consist of Federal Unemployment Benefits and Allowances (\$1,818 million), the Black Lung Disability Trust Fund (\$663 million), Special Benefits for Disabled Coal Miners (\$214 million), benefits under the Federal Employees’ Compensation Program and the Longshore and Harbor Workers’ Compensation Program (\$187 million), Advances to the Unemployment Insurance and Other Trust Funds (\$120 million), and administrative expenses for the Energy Employees Occupational Illness Compensation Fund (\$52 million).

Highlights

The following are some highlights for DOL of President Obama's FY2011 budget request and the amounts recommended by the Senate Appropriations Committee. See **Table 7** for details. All comparisons of funding levels with FY2010 appropriations are based on FY2010 regular appropriations only. Funding amounts in **Table 7** are rounded to the nearest million. The dollar changes and percent changes discussed in the text are based on unrounded amounts.

- The President requested \$3,581 million to administer the Unemployment Compensation program, an increase of \$324 million (10.0%) above the \$3,257 million provided for FY2010. The Senate Appropriations Committee agreed to the President's request.
- The President requested a \$101 million (10.9%) increase for youth training activities and a \$45 million (5.3%) increase for adult training activities. The President's request would increase funding for youth training from \$924 million for FY2010 to \$1,025 million for FY2011. The request would increase funding for adult training from \$862 million for FY2010 to \$907 million for FY2011. The Senate Appropriations Committee would provide \$30 million less than the President's request for youth training and \$10 million less than the request for adult training.
- The Administration requested \$600 million for the Community Service Employment for Older Americans Program, \$225 million (27.3%) less than the \$825 million provided for FY2010. The Senate Appropriations Committee agreed to the President's request for a reduction in funding.
- The Administration requested a \$120 million (6.6%) increase in benefits and training under the Trade Adjustment Assistance (TAA) program. The request would increase funding from the \$1,818 million provided for FY2010 to \$1,938 million for FY2011. (See Federal Unemployment Benefits and Allowances in **Table 7**.) The Senate Appropriations Committee agreed to the President's request for an increase in funding.
- The Administration requested an additional \$17 million (7.3%) for the Wage and Hour Division (WHD). The request would increase funding for WHD to \$244 million in FY2011. The Senate Appropriations Committee agreed to the President's request.
- The request includes \$14 million (2.6%) more for the Occupational Safety and Health Administration (OSHA). For FY2011, the Administration would provide OSHA with \$573 million. The Senate Appropriations Committee would increase funding for OSHA by \$1 million more than the President's request.
- The Administration requested a \$22 million (24.1%) increase for the Bureau of International Labor Affairs (ILAB). The request would increase funding for ILAB to \$115 million for FY2011. The Senate Appropriations Committee would increase funding for ILAB to \$117 million, \$2 million more than the President's request.
- The budget request includes \$50 million for a new State Paid Leave Fund. The fund would provide grants to states to establish paid leave programs. These programs would offer benefits to workers after the birth or adoption of a child and to workers who must take time off from work to care for a child,

spouse, or parent who is ill. The Senate Appropriations Committee would provide \$10 million for the fund.

- In FY2010, the Career Pathways Innovation Fund (part of Training and Employment Services) replaced the Community-Based Job Training Grants program. The fund received \$125 million for FY2010. The Administration did not request any money for this fund for FY2011. Instead, the Administration supported legislation to create the American Graduation Initiative, which would provide support for community colleges. The Senate Appropriations Committee agreed to eliminate appropriations for the Career Pathways Innovation Fund, and noted that significant funding for similar purposes was provided in the Health Care and Education Reconciliation Act of 2010 (HCERA, P.L. 111-152).¹²

In FY2009, ARRA provided an additional \$4.8 billion for DOL programs. Some of these funds could be obligated in FY2011. DOL program-specific plans for spending the money and other DOL reports are available at <http://www.dol.gov/recovery>.

DOL budget materials may be found at <http://www.dol.gov/dol/aboutdol/main.htm#budget>.

Detailed Appropriations Table

Table 7 shows the appropriations details for offices and major programs of DOL.

Table 7. Detailed Department of Labor Appropriations
(dollars in millions)

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Employment and Training Administration (ETA)				
Training and Employment Services (TES)				
Adult Training Grants to States	862	907	897	
Youth Training Grants to States	924	1,025	995	
Dislocated Worker Assistance (DWA) Grants to States	1,184	1,246	1,241	
DWA National Reserve	229	229	229	
Migrant and Seasonal Farmworkers	85	87	87	
YouthBuild	103	120	110	
National Activities	389	255	262	
<i>Re-Integration of Ex-Offenders (non-add)</i>	108	98	98	
<i>Career Pathways Innovation Fund (non-add)</i>	125	0	0	
Other TES Activities	54	56	56	
<i>TES component</i>	3,829	3,925	3,877	

¹² On September 17, 2009, the House passed the American Graduation Initiative as part of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009 (SAFRA). Certain provisions of H.R. 3221 were included in Title II of HCERA, which was signed into law by President Obama on March 30, 2010. HCERA did not include the American Graduation Initiative.

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Job Corps	1,708	1,707	1,712	
Community Service Employment for Older Americans	825	600	600	
Federal Unemployment Benefits and Allowances (mandatory)^a	1,818	1,938	1,938	
State Unemployment Insurance and Employment Service Operations (SUI/ESO)				
Unemployment Compensation	3,257	3,581	3,581	
Employment Service	725	725	725	
<i>Employment Service State Grants (non-add)</i>	704	704	704	
Foreign Labor Certification	68	66	66	
One-Stop Career Centers	64	64	69	
<i>SUI/ESO component</i>	4,114	4,435	4,440	
State Paid Leave Fund	0	50	10	
Advances to Unemployment Trust Fund and other funds (mandatory)	120	200	200	
ETA Program Administration	148	162	162	
<i>ETA subtotal</i>	12,562	13,019	12,941	
Employee Benefits Security Administration	155	162	162	
Pension Benefit Guaranty Corporation, program level (non-add)	464	466	466	
Wage and Hour Division	228	244	244	
Office of Labor-Management Standards (OLMS)	41	45	45	
Office of Federal Contract Compliance Programs	105	113	112	
Division of Energy Employees Occupational Illness Compensation (Part B admin. expenses)^c (mandatory)	52	54	54	
Office of Workers' Compensation Programs				
Federal Programs for Workers' Compensation (including trust funds)	118	127	126	
Special Benefits (mandatory) ^b	187	183	183	
Special Benefits for Disabled Coal Miners, current request plus new advances (mandatory)	214	199	199	
Black Lung Disability Trust Fund (mandatory)	663	710	710	
<i>Office of Workers' Compensation Programs subtotal</i>	1,183	1,219	1,218	
Occupational Safety and Health Administration (OSHA)	559	573	574	
Mine Safety and Health Administration (MSHA)	357	361	377	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Bureau of Labor Statistics	611	645	635	
Office of Disability Employment Policy	39	39	44	
Departmental Management				
Salaries and Expenses	356	429	433	
<i>International Labor Affairs (non-add)</i>	93	115	117	
Veterans Employment and Training	256	262	262	
Office of the Inspector General	84	85	85	
<i>Departmental Management subtotal</i>	696	776	780	
Working Capital Fund	0	5	5	
TOTALS, DEPARTMENT OF LABOR				
Total Appropriations^d	16,588	17,256	17,191	
Current Year Funding	14,080	14,752	14,687	
One-Year Advance Funding	2,508	2,504	2,504	

Source: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report. Appropriations are given only for programs included in the annual L-HHS-ED bill. Details may not add to totals due to rounding.

- a. Federal Unemployment Benefits and Allowances consist of funding for benefits and training for workers under the Trade Adjustment Assistance (TAA) program.
- b. "Special Benefits" consist of Federal Employees' Compensation Benefits and Longshore and Harbor Workers' Benefits.
- c. Before FY2009, appropriations for administrative and statutory activities under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) were in DOL, with some of the funding transferred to the Centers for Disease Control and Prevention (CDC) by interagency agreement. Starting in FY2009, CDC received direct appropriations (mandatory) for the activities; Part B administrative expenses remained in DOL.
- d. Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments.

Department of Health and Human Services

FY2010 discretionary appropriations for the Department of Health and Human Services (HHS) were \$72,998 million. For FY2011, the Obama Administration requested \$74,699 million, \$1,701 million (2.3%) more than the FY2010 amount, as shown in **Table 8**. As reported by the Senate Appropriations Committee, S. 3686 included \$75,005 million in discretionary funding, \$306 million above the request and an increase of \$2,007 million (2.7%) over FY2010.

Table 8. Department of Health and Human Services Discretionary Appropriations

(dollars in billions)

Funding	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Appropriations	73.0	74.7	75.0	

Source: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded, as are funds for the Food and Drug Administration (FDA) and the Indian Health Service (IHS). FDA and IHS are both agencies of HHS, but they are funded through other appropriations bills.

Mandatory HHS programs included in the L-HHS-ED act were funded at \$537.3 billion in FY2010, and consist primarily of Medicaid Grants to States (\$307.8 billion), Payments to Health Care Trust Funds (\$214.6 billion, including Medicare Part B and Part D), Foster Care and Adoption Assistance State Payments (\$7.4 billion), Family Support Payments to States (\$4.9 billion), and the Social Services Block Grant (\$1.7 billion). Note that some other large mandatory HHS programs are not funded through the L-HHS-ED act. The Children's Health Insurance Program (CHIP) and the Temporary Assistance for Needy Families (TANF) program receive their funding directly in authorizing statutes, while Medicare Part A is funded primarily through payroll taxes.

Highlights

The following are some highlights for HHS of President Obama's FY2011 budget request and the amounts recommended by the Senate Appropriations Committee. See **Table 9** for details. All comparisons of funding levels with FY2010 appropriations are based on regular appropriations only; they do not include ARRA funding obligated in FY2010. In addition, supplemental funds provided to a number of HHS programs by the Patient Protection and Affordable Care Act are not reflected in this report.¹³ The Senate committee, however, in explaining some of its funding decisions, made reference to PPACA appropriations available to certain programs. Funding amounts in **Table 9** are rounded to the nearest million. The dollar changes and percent changes discussed in the text are based on unrounded amounts.

A unique budget feature for some of the agencies and programs in HHS is funding received through the Public Health Service (PHS) Evaluation Set-Aside program, also known as the Evaluation Tap. The tap provides more than a dozen HHS programs with funding beyond their regular appropriations (or in a few cases, the tap provides their entire funding). The tap is authorized in section 241 of the PHS Act (42 U.S.C. § 238j), which allows the Secretary of HHS to redistribute a portion of eligible PHS agency appropriations for program evaluation purposes across HHS. In the annual L-HHS-ED act, Congress specifies the maximum percentage for the set-aside (currently 2.5% of eligible appropriations), and also allocates a portion of the available money for transfer to specific programs, as shown in **Table 9**.¹⁴

¹³ See the tables in CRS Report R41301, *Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (PPACA)*, by C. Stephen Redhead.

¹⁴ For further information on the PHS Evaluation Set-Aside, see CRS Report RL34098, *Public Health Service (PHS) Agencies: Background and Funding*, coordinated by Pamela W. Smith (archived report, available to congressional clients upon request).

The funding amounts from the tap are labeled “non-add” in the table since they are not counted in the totals of appropriated funds. They do figure, however, in the calculation of a program’s or agency’s “program level” funding amount, which reflects funding available from a number of possible sources, not just the annual appropriated amount. In some cases, an apparent change in the level of proposed appropriations for a program simply reflects a shifting of the share of funding supplied by appropriated funds versus funds made available through the tap; the “program level” of funding may not change greatly in such cases.

- Health Resources and Services Administration (HRSA) Health Centers programs. The President requested an additional \$295 million (13.5%) for community health centers and other health centers programs, which would increase funding to \$2,480 million. The Senate committee recommended \$2,185 million, the same as the FY2010 level, and noted that an additional \$1 billion had been appropriated for FY2011 for health centers in PPACA.
- HRSA Workforce Training programs. The President requested an increase of \$27 million (19%) for the National Health Service Corps (NHSC), no increase for nursing workforce programs, and a \$7 million (2.7%) increase for Title VII health professions programs. The Senate committee recommended level funding for NHSC at \$141 million, noting that PPACA had provided \$290 million for FY2011. The committee increased funding for nursing programs by \$48 million (20%) from \$244 million in FY2010 to \$292 million for FY2011, and increased Title VII programs by \$104 million (41%) from \$253 million to \$357 million.
- HRSA Health Care-Related Facilities and Activities. In FY2010, this account supported \$337 million in non-competitive grants for construction and renovation (including equipment) at a variety of facilities, as well as related activities. The President requested \$100 million for grants to help develop medical schools in health professional shortage areas. The Senate committee recommended \$156 million for a list of specific projects.
- Centers for Disease Control and Prevention (CDC). For the FY2011 CDC appropriation, the President requested a \$131 million (2.0%) decrease, while the Senate committee recommended a \$130 million (2.0%) increase, from \$6,453 million to \$6,583 million. The committee’s increase, however, was more than offset in program-level terms by its recommended \$214 million decrease in the funding CDC would receive for certain programs through the PHS Evaluation Tap, discussed above. The request and the committee also differed in the amount they planned to use in funding available from a June 2009 supplemental appropriation for pandemic influenza (P.L. 111-32). At the program level, the request and the committee would provide CDC with increases of 1.3% and 2.1%, respectively, over the FY2010 level. In describing total funding available for CDC programs, the committee also recommended that \$663 million be transferred to CDC from the FY2011 appropriation of \$750 million that was provided to the Prevention and Public Health Fund created by PPACA.
- Program-level funding for CDC’s National Institute for Occupational Safety and Health (NIOSH) would increase by about 22% in both the request and the Senate committee recommendation, largely to provide a \$79 million increase for the World Trade Center program. The committee shifted \$70

million of the funds to come from the appropriation instead of from the evaluation tap.

- National Institutes of Health (NIH). The President requested a \$1.0 billion increase (3.2%) for NIH, which was funded at \$31.0 billion in FY2010. The Senate committee recommended the same level as the request, \$32.0 billion. The committee noted that NIH faces a “funding cliff” in FY2011 (a steep drop in funding compared to FY2010) following the large amount of stimulus funding received through ARRA. About \$5.7 billion of ARRA money was obligated in FY2010 in addition to regular appropriations. The committee indicated that the \$1 billion, 3.2% proposed increase for FY2011 would match the estimated inflation rate for biomedical research. Within the \$1 billion increase, the committee included \$50 million to create the Cures Acceleration Network (CAN) authorized in PPACA. Its statutory language requires that NIH use only specifically appropriated funds to support the CAN.
- Substance Abuse and Mental Health Services Administration (SAMHSA). The President and the Senate committee substantially agreed on giving SAMHSA an increase of just over 3%, boosting the appropriation from \$3.4 billion to \$3.5 billion. A 10% increase of about \$20 million was included for Substance Abuse Prevention activities.
- Agency for Healthcare Research and Quality (AHRQ). AHRQ is funded entirely through the PHS evaluation tap, receiving \$397 million in FY2010. The President requested an overall increase of \$214 million (54%) to \$611 million, which included an increase of \$252 million (67%) for patient-centered health research, also called comparative effectiveness research (CER). The Senate committee kept total AHRQ funding at \$397 million, with \$35 million designated for CER. The committee noted that PPACA created the Patient Centered Outcomes Research Institute to manage CER, and stated that it did not want to duplicate that effort.
- Centers for Medicare and Medicaid Services (CMS). The CMS Health Care Fraud and Abuse Control Initiative, first funded in FY2009, was proposed for a \$250 million increase (80%), from \$311 million to \$561 million. The Senate committee agreed to that amount. The President also requested a \$131 million increase (3.8%) for CMS Program Management, from \$3.5 billion in FY2010 to \$3.6 billion. The Senate committee recommended an increase of \$104 million, \$27 million less than the request.
- Administration for Children and Families (ACF). The President requested a decrease of \$1.8 billion (35%) in discretionary funding for the Low-Income Home Energy Assistance Program (LIHEAP), which was funded at \$5.1 billion in FY2010. A legislative proposal was offered with the budget request that would provide additional mandatory funding if energy prices increased significantly. The Senate committee agreed with the \$3.3 billion discretionary funding request, noting that it assumed enactment of the trigger that would provide an estimated \$2.0 billion in additional mandatory funding in FY2011, for a total program level of \$5.3 billion.
- ACF Refugee and Entrant Assistance programs. The President requested \$878 million for refugee programs, an additional \$147 million (20%) above

the FY2010 level of \$731 million. The Senate committee recommended an increase of \$104 million (14%) to \$835 million.

- ACF Child Care and Development Block Grant (CCDBG). The President requested \$2,927 million for CCDBG, an additional \$800 million (38%) above the FY2010 level of \$2,127 million. The Senate committee recommended an increase of \$1.0 billion (47%) to \$3,127 million to maintain the level of funding provided in ARRA.
- ACF Head Start program. The Senate committee agreed with the President's request to increase funding for Head Start by \$990 million (14%), from \$7,234 million in FY2010 to \$8,224 million.
- Administration on Aging (AoA). The President requested \$1,625 million for AoA aging services programs, an additional \$109 million (7.2%) above the FY2010 level of \$1,516 million. The Senate committee recommended an increase of \$143 million (9.5%) to \$1,659 million. Increases were recommended for various caregiver programs, senior nutrition services, and Lifespan Respite Care, among others. Funding for Aging and Disability Resource Centers was reduced by \$10 million, the amount of a mandatory appropriation to AoA provided by PPACA.
- Within the Office of the HHS Secretary, the Public Health and Social Services Emergency Fund (PHSSEF) supports a number of preparedness, response, and related public health security functions. Total appropriations for the PHSSEF account, which were \$1,346 million in FY2010, were decreased in the President's request by \$136 million (10%) to \$1,211 million. The Senate committee substantially agreed, recommending a total of \$1,197 million in discretionary funding, \$14 million less than the request. In addition, both the President and the committee planned to use \$330 million in available balances from FY2009 funding for pandemic influenza.
- Within the PHSSEF, Biomedical Advanced Research and Development was proposed for a \$136 million (40%) increase from \$340 million in FY2010 to \$476 million. The Senate committee agreed with the request. Funding for this activity is transferred from the Project BioShield Special Reserve Fund. The funds were originally appropriated as multi-year money to the Department of Homeland Security in FY2004, to remain available until FY2013; in FY2010, the remaining balances were transferred to HHS.
- Also within the PHSSEF, discretionary funding for pandemic influenza preparedness was \$341 million in FY2010. For FY2011, the President requested and the Senate committee concurred in decreasing the amount by \$275 million, to \$66 million. HHS also plans to use \$330 million from supplemental FY2009 funds for pandemic influenza contingencies, available until expended, that were provided in P.L. 111-32 in June 2009.
- L-HHS-ED acts from FY1998 through FY2009 barred federal funding for needle and syringe exchange programs set up to prevent blood-borne infections in intravenous drug users. The FY2010 appropriations act replaced the ban with a prohibition on funding such programs in any location that local public health or law enforcement agencies determine to be inappropriate (§505 of P.L. 111-117, Division D). That language is retained in S. 3686.

ARRA provided HHS with an additional \$21.9 billion in discretionary funding for FY2009, most of which was obligated by the end of FY2010. Some ARRA funds could be obligated in FY2011, and many programs will continue to outlay ARRA funds for the next several years. HHS program-specific plans for spending the money and other HHS Recovery Act reports are available at <http://www.hhs.gov/recovery/reports/index.html>.

HHS budget materials may be found at <http://www.hhs.gov/asrt/ob/docbudget/>.

Abortion: Funding Restrictions

Annual L-HHS-ED appropriations regularly contain restrictions that limit—for one year at a time—the circumstances under which federal funds can be used to pay for abortions. Restrictions on appropriated funds, popularly referred to as the “Hyde Amendments,” generally apply to all L-HHS-ED funds. Medicaid is the largest program affected. As evidence of the perennial volatility of this issue, these provisions have been subject to periodic revision during the annual consideration of L-HHS-ED appropriations. From FY1977 to FY1993, abortions could be funded only when the life of the mother was endangered. The 103rd Congress modified the provisions to permit federal funding of abortions in cases of rape or incest. The FY1998 L-HHS-ED appropriations, P.L. 105-78, extended the Hyde provisions to prohibit the use of federal funds to buy managed care packages that include abortion coverage, except in the cases of rape, incest, or life endangerment. The FY1999 L-HHS-ED appropriations, P.L. 105-277, continued the FY1998 Hyde Amendments with two added provisions: (1) a clarification to ensure that the restrictions apply to all trust fund programs (namely, Medicare), and (2) an assurance that Medicare + Choice plans (now Medicare Advantage) cannot require the provision of abortion services. No changes were made from FY2000 through FY2004.

The FY2005 L-HHS-ED appropriations, P.L. 108-447, added a restriction, popularly referred to as the “Weldon Amendment,” that prevents federal programs or state or local governments that receive L-HHS-ED funds from discriminating against health care entities that do not provide or pay for abortions or abortion services. The FY2006 through FY2010 L-HHS-ED appropriations retained the Weldon amendment language and the Hyde restrictions. The current provisions can be found in §507 and §508 of P.L. 111-117, Division D. For additional information, please see CRS Report RL33467, *Abortion: Judicial History and Legislative Response*, by Jon O. Shimabukuro.

Research on Human Embryos and Human Embryonic Stem Cells: Funding Restrictions

In 1996, Congress prohibited NIH from using appropriated funds to create human embryos for research purposes or for research in which human embryos are destroyed (P.L. 104-99, §128). Since FY1997, annual appropriations acts have extended the prohibition to all L-HHS-ED funds, with NIH as the agency primarily affected. The restriction, popularly referred to as the “Dickey Amendment,” has not changed significantly since it was first enacted. The current provision is found in §509 of P.L. 111-117, Division D. It is retained in S. 3686.

In 2001, specific restrictions on federal funding for human embryonic stem cell research were put in place by executive order by President George W. Bush; they were subsequently removed by President Obama in 2009. Currently, guidelines developed by NIH in 2009 govern the conduct of human embryonic stem cell research and the approval of human embryonic stem cell lines that are eligible for use in research supported by federal funds. A pending court case challenges this use of federal funds, citing the Dickey Amendment language. For additional information, please see CRS Report RL33554, *Stem Cell Research: Ethical and Legal Issues*, by Erin D. Williams,

Edward C. Liu, and Judith A. Johnson, and CRS Report RL33540, *Stem Cell Research: Science, Federal Research Funding, and Regulatory Oversight*, by Judith A. Johnson and Erin D. Williams.

Detailed Appropriations Table

Table 9 shows the appropriations details for offices and major programs of HHS.

Table 9. Detailed Department of Health and Human Services Appropriations

(dollars in millions)

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Public Health Service (PHS)				
Health Resources and Services Administration (HRSA)				
Bureau of Primary Health Care (BPHC)				
Community Health Centers	2,185	2,480	2,185	
State Health Access Grants	74	75	0	
BPHC, other	18	18	18	
<i>BPHC subtotal</i>	2,278	2,573	2,203	
Bureau of Health Professions (BHP)				
National Health Service Corps	141	169	141	
Health Professions, Nursing (Title VIII)	244	244	292	
Health Professions, other (Title VII)	253	260	357	
Children's Hospitals Graduate Medical Education	317	318	318	
Patient Navigator	5	5	5	
<i>BPH subtotal</i>	960	995	1,113	
Maternal and Child Health Bureau (MCHB)				
Maternal & Child Health Block Grant	661	673	673	
Autism and Other Developmental Disorders	48	55	55	
Healthy Start	105	110	103	
MCHB, other	66	66	66	
<i>MCHB subtotal</i>	879	904	898	
HIV/AIDS Bureau (HAB)				
Ryan White AIDS Programs, appropriation	2,287	2,305	2,315	
Evaluation Tap Funding (non-add)	(25)	(25)	(25)	
Ryan White AIDS Programs, program level (non-add)	(2,312)	(2,330)	(2,340)	
<i>HAB subtotal</i>	2,287	2,305	2,315	
Healthcare Systems Bureau	93	101	143	
Rural Health Programs	163	130	165	
Family Planning (Title X)	317	327	327	
Health Care-Related Facilities & Activities	337	100	156	
Vaccine Injury Compensation Program Trust Fund (mandatory)	116	116	116	
HRSA, other	178	174	179	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
<i>HRSA total, appropriation</i>	7,608	7,727	7,616	
Evaluation Tap + Loan Liquidating Account (non-add)	(26)	(25)	(25)	
HRSA program level (non-add)	(7,634)	(7,752)	(7,641)	
Centers for Disease Control and Prevention (CDC)				
Infectious Diseases	1,996	1,900	1,928	
Balances from P.L. 111-32 for Pandemic Flu (non-add)	(0)	(156)	(116)	
Evaluation Tap Funding (non-add)	(13)	(13)	(13)	
Infectious Diseases, program level, (non-add)	(2,009)	(2,069)	(2,057)	
Health Promotion				
Chronic Disease Prevention, Health Promotion, and Genomics	931	937	931	
Birth Defects, Developmental Disabilities, Disability and Health	143	144	145	
<i>Health Promotion subtotal</i>	1,075	1,081	1,076	
Health Information and Service	72	97	229	
Evaluation Tap Funding (non-add)	(217)	(210)	(73)	
Health Information and Service, program level (non-add)	(289)	(307)	(301)	
Environmental Health and Injury				
Environmental Health	187	182	191	
Injury Prevention and Control	149	148	148	
<i>Environmental Health and Injury subtotal</i>	336	330	338	
National Institute for Occupational Safety and Health/Mine Safety & Health	281	364	432	
Evaluation Tap Funding (non-add)	(92)	(92)	(22)	
Occupational Safety and Health, program level (non-add)	(373)	(456)	(453)	
Energy Employees Occupational Illness Compensation Program (mandatory) ^a	55	55	55	
Global Health	336	352	353	
Public Health Preparedness and Response	1,549	1,465	1,465	
Balances from P.L. 111-32 for Pandemic Flu (non-add)	(0)	(69)	(69)	
Public Health Preparedness and Response, program level (non-add)	(1,549)	(1,533)	(1,533)	
Public Health Research, appropriation	0	0	0	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Evaluation Tap Funding (non-add)	(31)	(31)	(31)	
Public Health Research, program level (non-add)	(31)	(31)	(31)	
Public Health Improvement and Leadership	211	193	210	
Preventive Health and Health Services Block Grant	102	102	102	
CDC Buildings and Facilities	69	0	12	
Business Services	370	382	382	
<i>CDC total, appropriation^b</i>	6,453	6,321	6,583	
Evaluation Tap Funding (non-add)	(352)	(346)	(138)	
Balances from P.L. 111-32 for Pandemic Flu (non-add)	(0)	(225)	(185)	
CDC, program level (non-add)	(6,805)	(6,892)	(6,906)	
National Institutes of Health (NIH)				
National Institutes of Health, appropriation ^b	31,005	32,007	32,007	
Global HIV/AIDS Fund transfer (non-add)	(-300)	(-300)	(-300)	
Evaluation Tap Funding (non-add)	(8)	(8)	(8)	
NIH, program level (non-add)	(30,713)	(31,715)	(31,715)	
Substance Abuse and Mental Health Services Administration (SAMHSA)				
Mental Health programs	584	607	621	
Mental Health Block Grant (MHBG)	400	400	400	
Evaluation Tap Funding (non-add)	(21)	(21)	(21)	
MHBG program level (non-add)	(421)	(421)	(421)	
<i>Mental Health subtotal, appropriation</i>	984	1,007	1,021	
Mental Health program level (non-add)	(1,005)	(1,028)	(1,042)	
Substance Abuse Treatment programs	446	480	465	
Evaluation Tap Funding (non-add)	(9)	(9)	(9)	
Program level (non-add)	(454)	(489)	(474)	
Substance Abuse Block Grant (SABG)	1,719	1,719	1,719	
Evaluation Tap Funding (non-add)	(79)	(79)	(79)	
SABG program level (non-add)	(1,799)	(1,799)	(1,799)	
<i>Substance Abuse Treatment subtotal, appropriation</i>	2,165	2,199	2,184	
Substance Abuse Treatment program level (non-add)	(2,253)	(2,287)	(2,272)	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Substance Abuse Prevention	202	223	222	
SAMHSA, other (mainly Program Mgt.)	80	112	109	
Evaluation Tap Funding (non-add)	(23)	(23)	(23)	
SAMHSA, other, program level (non-add)	(103)	(136)	(132)	
<i>SAMHSA total, appropriation</i>	3,431	3,541	3,536	
Evaluation Tap Funding (non-add)	(132)	(132)	(132)	
SAMHSA program level (non-add)	(3,563)	(3,674)	(3,668)	
Agency for Healthcare Research and Quality (AHRQ)				
AHRQ Appropriation	0	0	0	
Evaluation Tap Funding (non-add)	(397)	(611)	(397)	
<i>Patient-Centered Health Research (included in above)</i>	21	273	35	
AHRQ program level (non-add)	397	611	397	
PHS total, appropriation	48,497	49,596	49,742	
PHS program level (non-add)	(51,251)	(52,782)	(52,516)	
Centers for Medicare and Medicaid Services (CMS)				
Medicaid Grants to States (mandatory)	307,752	259,589	259,589	
Payments to Health Care Trust Funds (mandatory)	214,590	229,664	229,664	
CMS Program Management	3,470	3,601	3,575	
Health Care Fraud and Abuse Control	311	561	561	
<i>CMS total</i>	526,123	493,415	493,389	
Administration for Children and Families (ACF)				
Family Support Payments (mandatory)	4,888	3,683	3,683	
Low Income Home Energy Assistance Program (LIHEAP) ^c	5,099	3,300	3,300	
Refugee and Entrant Assistance	731	878	835	
Child Care and Development Block Grant (CCDBG)	2,127	2,927	3,127	
Social Services Block Grant (SSBG) (Title XX) (mandatory)	1,700	1,700	1,700	
Children and Families Services Programs (CFSP)				
Head Start	7,234	8,224	8,224	
Child Welfare Services	282	282	282	
Developmental Disabilities	187	187	190	
Community Services Block Grant	700	700	700	
Battered Women's Shelters	130	140	140	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
CFSP, other	781	780	824	
<i>CFSP subtotal</i>	9,313	10,312	10,360	
Evaluation Tap Funding (non-add)	(6)	(6)	(6)	
CFSP program level (non-add)	(9,319)	(10,318)	(10,365)	
Promoting Safe and Stable Families (PSSF) (mandatory)	345	345	345	
PSSF (discretionary)	63	63	63	
Foster Care and Permanency (mandatory)	7,428	7,216	7,216	
<i>ACF total, appropriation</i>	31,695	30,424	30,629	
Evaluation Tap Funding (non-add)	(6)	(6)	(6)	
ACF program level (non-add)	(31,700)	(30,430)	(30,634)	
Administration on Aging (AOA)				
Administration on Aging	1,516	1,625	1,659	
Office of the Secretary (OS)				
General Departmental Management (GDM), appropriation	490	544	522	
<i>Teen Pregnancy Prevention Community Grants (in GDM)</i>	110	129	110	
<i>Evaluation Tap Funding (non-add)</i>	(4)	(4)	(8)	
<i>Teen Pregnancy Prevention program level (non-add)</i>	(114)	(134)	(118)	
Planning & Evaluation, Evaluation Tap Funding (non-add)	(61)	(61)	(61)	
Total GDM Evaluation Tap Funding (non-add)	(65)	(65)	(69)	
GDM program level (non-add)	(556)	(609)	(591)	
Office of the National Coordinator for Health Information Technology (ONC)	42	78	59	
Evaluation Tap Funding (non-add)	(19)	(0)	(19)	
ONC program level (non-add)	(61)	(78)	(78)	
Retirement Pay & Medical Benefits for Commissioned Officers (mandatory)	475	518	518	
Public Health and Social Services Emergency Fund (PHSSEF)				
Office of the Assistant Secretary for Preparedness and Response (ASPR)	891	1,054	1,046	
<i>Hospital Preparedness (in ASPR)</i>	426	426	426	
<i>Biomedical Advanced Research and Development (in ASPR)</i>	340	476	476	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Pandemic Influenza Preparedness	341	66	66	
Balances from P.L. 111-32 for Pandemic Flu (non-add)	(0)	(330)	(330)	
Pandemic Influenza Preparedness program level	(341)	(396)	(396)	
PHSSEF, other	114	91	85	
<i>PHSSEF subtotal, appropriation</i>	1,346	1,211	1,197	
PHSSEF program level (non-add)	(1,346)	(1,541)	(1,527)	
Office of the Secretary, other	163	174	177	
<i>OS total, appropriation</i>	2,516	2,524	2,472	
Evaluation Tap Funding (non-add)	(84)	(65)	(88)	
OS program level, incl. Pan Flu	(2,600)	(2,920)	(2,891)	
TOTALS, DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Total Appropriations^d	610,347	577,585	577,890	
Current Year Funding	520,608	488,089	488,395	
One-Year Advance Funding	89,739	89,495	89,495	

Source: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report. Appropriations are given only for programs included in the annual L-HHS-ED bill. Details may not add to totals due to rounding.

- Before FY2009, EEOICPA administrative and statutory activities were funded through DOL, with some of the funding transferred to CDC by interagency agreement. Starting in FY2009, CDC received direct appropriations (mandatory) for the activities; Part B administrative expenses remained in DOL.
- Each year, CDC and NIH also receive some funds from Interior-Environment appropriations. For FY2010, CDC received \$77 million and NIH received \$79 million. The amounts are not included in this table.
- The FY2011 request and Senate committee recommendation include \$3.3 billion in discretionary funding for LIHEAP. Both also assume enactment of a legislative proposal for a trigger that would provide an estimated \$2.0 billion additional in mandatory funding for FY2011, for a total program level of \$5.3 billion (see p. 147 in S.Rept. 111-243).
- Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments. Two HHS agencies are funded through other appropriations: the Food and Drug Administration (FDA) in Agriculture appropriations (\$2.4 billion in FY2010), and the Indian Health Service (IHS) in Interior-Environment appropriations (\$4.1 billion in FY2010). Neither agency is included in this table.

Department of Education

For FY2011, the Obama Administration requested \$67,840 million in discretionary funding, \$3,563 million (5.5%) more than the FY2010 amount, as shown in **Table 10**. The Senate Appropriations Committee recommended \$67,032 million in discretionary funding, \$2,755 million (4.3%) more than the FY2010 amount.

Table 10. Department of Education Discretionary Appropriations

(dollars in billions)

Funding	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Appropriations	64.3	67.8	67.0	

Sources: Amounts for FY2010 and for the FY2011 Senate Committee recommendations are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243). The amount for the President's FY2011 budget request is primarily based on information on the Department of Education's website (<http://www2.ed.gov/about/overview/budget/tables.html?src=ct>), although the Department figures its discretionary total somewhat differently than the appropriations committees. See the opening section of this report for further explanation of adjustments and exclusions. Details may not add to totals due to rounding.

A single mandatory ED program is included in the L-HHS-ED bill, the Vocational Rehabilitation State Grants program. It was provided funding of \$3,085 million in FY2010. Both the President's budget and the Senate Committee on Appropriations recommended level funding for the program for FY2011.

Highlights

The President's original budget request, issued in February 2010, was based on the assumption that the Elementary and Secondary Education Act (ESEA) would be authorized prior to, or in concert with, enactment of FY2011 appropriations legislation. The original budget proposed significant restructuring of the ESEA and would have consolidated many separate authorities into larger programs as part of a reauthorization.¹⁵ However, as ESEA reauthorization has not occurred, a revised budget request based on the current ESEA, reflecting current account and program structures, was subsequently made available by ED.¹⁶ This report reflects the revised budget based on existing law (the current ESEA).¹⁷ However, in order to facilitate comparison of the President's budget with the Senate Appropriations Committee's FY2011 recommendations and with the FY2010 funding level, the Pell grant program is treated as discretionary, although the President's budget proposes converting it to a mandatory program in FY2011.¹⁸

Both the President's FY2011 budget request and the Senate Appropriations Committee's recommendations for FY2011 would increase funding for several programs, and would eliminate several existing programs.¹⁹ Funding amounts in **Table 11** are rounded to the nearest million. The dollar changes and percent changes discussed in the text are based on unrounded amounts.

¹⁵ The additional new larger programs proposed for FY2011 include Effective Teaching and Learning: Literacy; Effective Teaching and Learning: Science, Technology, Engineering, and Mathematics; Effective Teaching and Learning for a Well-Rounded Education; College Pathways and Accelerated Learning; Effective Teachers and Leaders State Grants; Teacher and Leaders Innovation Fund; Teacher and Leader Pathways; Expanding Educational Options; and Successful, Safe and Healthy Students. For more information on proposed consolidations, and the Administration's proposal for reauthorizing the ESEA, see CRS Report R41355, *Administration's Proposal to Reauthorize the Elementary and Secondary Education Act: Comparison to Current Law*, by Rebecca R. Skinner et al.

¹⁶ Information on the budget request is available at <http://www2.ed.gov/about/overview/budget/tables.html?src=ct>.

¹⁷ The discretionary total in the Administration's revised FY2011 budget does not match the discretionary total from the original budget request or the discretionary total for the request as displayed in the Senate committee's table.

¹⁸ For information on this issue see CRS Report R41437, *Federal Pell Grant Program of the Higher Education Act: Background, Recent Changes, and Current Legislative Issues*, by Shannon M. Mahan.

¹⁹ Some of the programs proposed for elimination in FY2011 by the President's budget request would include the Even

- The Senate Committee on Appropriations recommended \$14,942 million in discretionary funding for ESEA Title I-A Education Grants for the Disadvantaged, an increase of \$450 million (3.1%) over FY2010 funding. The President's budget would level fund the program in FY2011.
- The Senate Committee on Appropriations recommended \$300 million in discretionary funding for a new Early Learning Challenge Fund program. No discretionary funding was requested for this program in the President's FY2011 budget.
- The President's budget proposed funding of \$900 million for School Improvement Grants in FY2011, \$354 million (64.9%) above FY2010 funding. The Senate Committee on Appropriations recommended funding of \$625 million for School Improvement Grants for FY2011, an increase of \$79 million (14.5%) above FY2010 funding.
- The Senate Committee on Appropriations recommended expanding the mission of the 21st Century Community Learning Centers program, and would provide funding of \$1,266 million, an increase of \$100 million (8.6%) over FY2010 funding. The President's budget would maintain funding for the program at FY2010 levels.
- The President's budget recommended FY2011 funding for two programs initiated by American Recovery and Reinvestment Act funding (P.L. 111-5) in FY2009; it would fund Race to the Top at \$1,350 million, and Investing in Innovation at \$500 million. Neither program received any regular FY2010 appropriations. The Senate Committee on Appropriations would fund Race to the Top at \$675 million in FY2011, and it would fund Investing in Innovation at \$250 million.
- The President's budget proposed funding of \$800 million for the Teacher Incentive Fund in FY2011, \$400 million (100%) above FY2010 funding. The Senate Committee on Appropriations recommended level funding for the program in FY2011.
- The President's budget proposed increasing funding for the Promise Neighborhoods Initiative to \$210 million in FY2011, an increase of \$200 million (2,000%) above FY2010 funding. The Senate Committee on Appropriations proposed funding Promise Neighborhoods at \$20 million in FY2011, a \$10 million increase (100%) above FY2010 funding.
- The President's budget proposed funding of \$11,755 million for the Individuals with Disabilities Education Act (IDEA), Part B Grants to States, an increase of \$250 million (2.2%) over FY2010 funding. The Senate Committee on Appropriations recommended funding of \$11,925 million for IDEA Part B Grants to States, an increase of \$420 million (3.7%) over FY2010 funding.

Detailed Appropriations Table

Table 11 shows the appropriations details for major programs of ED.

Start Family Literacy Act, Leveraging Educational Assistance Partnership, Civic Education, and Byrd Honors Scholarships. The Senate Appropriations Committee programs proposed for elimination include the Even Start Family Literacy Act and Smaller Learning Communities.

Table 11. Detailed Department of Education Appropriations

(dollars in millions)

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Education for the Disadvantaged				
Title I, Part A Education for the Disadvantaged, Grants to LEAs	14,492	14,492	14,942	
Even Start	66	0	0	
Early Learning Challenge Grants	0	0	300	
School Improvement Grants	546	900	625	
Striving Readers	250	316	250	
Migrant Education State Grants	395	395	395	
Education for the Disadvantaged, other	165	165	214	
<i>Education for the Disadvantaged subtotal</i>	15,915	16,269	16,727	
Impact Aid	1,276	1,276	1,296	
School Improvement Programs				
Teacher Quality State Grants	2,948	2,948	2,955	
Mathematics and Science Partnerships	180	180	180	
Educational Technology State Grants	100	100	100	
21 st Century Community Learning Centers	1,166	1,166	1,266	
State Assessments	411	411	450	
Rural Education	175	175	180	
School Improvement, other	248	241	257	
<i>School Improvement subtotal</i>	5,228	5,221	5,388	
Indian Education	127	127	129	
Innovation and Improvement				
Race to the Top	0	1,350	675	
Investing in Innovation	0	500	250	
Charter School Grants	256	310	256	
Teacher Incentive Fund	400	800	400	
Innovation and Improvement, other	723	696	644	
<i>Innovation and Improvement subtotal</i>	1,379	3,656	2,225	
Safe Schools and Citizenship Education				
Safe and Drug-Free National Programs	191	191	196	
Promise Neighborhoods	10	210	20	
Safe Schools and Citizenship, other	202	167	210	
<i>Safe Schools and Citizenship subtotal</i>	403	568	426	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
English Language Acquisition State Grants	750	800	800	
Special Education				
IDEA, Part B, Grants to States	11,505	11,755	11,925	
Special Education, other	1,082	1,091	1,110	
<i>Special Education subtotal</i>	12,587	12,846	13,035	
Rehabilitation Services and Disability Research				
Vocational Rehabilitation State Grants (mandatory)	3,085	3,085	3,085	
Vocational Rehabilitation State Grants (discretionary)	0	57	0	
Rehabilitation Services, other	422	424	458	
<i>Rehabilitation Services subtotal</i>	3,507	3,565	3,543	
Special Institutions for Persons With Disabilities	216	207	217	
Career and Adult Education				
Perkins Career and Technical Education	1,272	1,272	1,272	
Adult Education	640	654	654	
Career and Adult Education, other	105	105	17	
<i>Career and Adult Education subtotal</i>	2,016	2,031	1,943	
Student Financial Assistance				
Pell Grants, maximum appropriated award (in dollars, non-add) ^a	\$4,860	\$4,860	\$4,860	
Pell Grants ^a	17,495	17,652	17,652	
Supplemental Educational Opportunity Grants	757	757	757	
Federal Work-Study	980	980	980	
Federal Perkins Loans Cancellations	0	0	0	
Leveraging Educational Assistance Partnership (LEAP)	64	0	64	
<i>Student Financial Assistance subtotal</i>	19,297	19,390	19,454	
Student Aid Administration	870	1,170	1,048	
Higher Education				
Aid for Institutional Development	603	633	616	
Fund for the Improvement of Postsecondary Education (FIPSE)	159	64	106	
TRIO Programs	853	853	868	
GEAR UP	323	323	323	
Higher Education, other	317	267	331	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
<i>Higher Education subtotal</i>	2,256	2,140	2,244	
Howard University	235	235	235	
Institute of Education Sciences	659	739	723	
Departmental Management	619	663	663	
Department of Education, other^b	21	21	21	
TOTALS, DEPARTMENT OF EDUCATION				
Total Appropriations^c	67,362	70,925	70,117	
Current Year Funding	45,456	49,019	48,211	
One-Year Advance Funding	21,906	21,906	21,906	

Sources: Amounts for FY2010 and for the FY2011 Senate Committee recommendations are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243). Amounts for the President's FY2011 budget request are based on information on the Department of Education's website (<http://www2.ed.gov/about/overview/budget/tables.html?src=ct>), although the Department figures its discretionary total somewhat differently than the appropriations committees. See the opening section of this report for further explanation of adjustments and exclusions. Details may not add to totals due to rounding.

- In order to facilitate comparison of the President's budget with the Senate Appropriations Committee's FY2011 recommendations and with the FY2010 funding level, the Pell grant program is treated as discretionary, although the President's budget proposes converting it to a mandatory program in FY2011. For information on this issue see CRS Report R41437, *Federal Pell Grant Program of the Higher Education Act: Background, Recent Changes, and Current Legislative Issues*, by Shannon M. Mahan.
- "Department of Education, other" includes funding for two programs: College Housing and Academic Facilities Loans, and the Historically Black Colleges and Universities Capital Financing program.
- Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments.

Related Agencies

Discretionary appropriations for Related Agencies for FY2010 were \$14,077 million. For FY2011, the Obama Administration requested \$15,232 million, which is \$1,156 million (8.2%) more than the FY2010 amount. The Senate Appropriations Committee would provide \$15,195 million for Related Agencies for FY2011, which is a 7.9% increase above the amount provided for FY2010. See **Table 12**.

Table 12. Related Agencies Discretionary Appropriations

(dollars in billions)

Funding	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Appropriations	14.1	15.2	15.2	

Sources: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations. Appropriations are given only for programs included in the annual L-HHS-ED bill. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory programs for Related Agencies included in the L-HHS-ED bill were funded at \$47.3 billion for FY2010, virtually all of it for the Supplemental Security Income (SSI) program.

Highlights

The following are some highlights for Related Agencies of President Obama's FY2011 budget request and the amounts recommended by the Senate Appropriations Committee. See **Table 13** for details. All comparisons of funding levels with FY2010 appropriations are based on FY2010 regular appropriations only. Funding amounts in **Table 13** are rounded to the nearest million. The dollar changes and percent changes discussed in the text are based on unrounded amounts.

- The Administration requested \$12,378 million for administrative expenses for the Social Security Administration (SSA). The request is \$932 million (8.1%) more than the amount Congress provided for FY2010. The Senate Appropriations Committee agreed to the Administration's request.
- The President requested \$1,416 million for the Corporation for National Community Service (CNCS). The request is \$266 million (23.1%) more than the amount provided for FY2010. The request includes an additional \$148 million (from \$537 million to \$685 million) for National Community Service Programs and \$97 million more (from \$197 million to \$294 million) for the National Service Trust. The Senate Appropriations Committee provided \$1,366 million more for the CNCS, or \$50 million less than the amount requested by the President.
- The President's budget includes a request for \$50,138 million for Supplemental Security Income (SSI) benefits. The request is \$2,838 million (6.0%) more than the amount provided for FY2010. The Senate Appropriations Committee agreed to the President's request.
- The Senate Appropriations Committee would provide \$3 million for the National Health Care Workforce Commission, which was created by the Patient Protection Affordable Care Act (PPACA, P.L. 111-148).

In FY2009, the ARRA provided an additional \$1.2 billion in discretionary funding for Related Agencies. Some of this money could be obligated in FY2011. Both SSA and CCNS have developed implementation plans for spending the money. The plans and other reports are available at <http://www.ssa.gov/recovery> and <http://www.nationalservice.gov/about/recovery/index.asp>.

Detailed Appropriations Table

Table 13 shows the appropriations details for offices and major programs of the L-HHS-ED Related Agencies.

Table 13. Detailed Related Agencies Appropriations

(\$ in millions)

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Committee for Purchase from People Who Are Blind or Severely Disabled	5	6	6	
Corporation for National and Community Service (CNCS)				
CNCS Domestic Volunteer Service Programs (DVSP)				
Volunteers in Service to America (VISTA)	99	98	111	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
National Senior Volunteer Corps	221	221	229	
<i>DVSP subtotal</i>	320	319	340	
CNCS National and Community Service Programs (NCSP)				
AmeriCorps Grants	373	488	440	
National Civilian Community Corps	29	35	35	
NCSP, other	136	162	168	
<i>NCSP subtotal</i>	537	685	642	
National Service Trust	197	294	271	
CNCS, other	96	118	112	
<i>CNCS subtotal</i>	1,150	1,416	1,366	
Corporation for Public Broadcasting (CPB)				
CPB, two-year advance for FY2013 (current request) with FY2012 comparable	445	460	460	
<i>CPB advance for FY2012 with FY2011 comparable (non-add)</i>	430	445	445	
<i>CPB advance for FY2011 with FY2010 comparable (non-add)</i>	420	430	430	
Fiscal Stabilization Grants	25	0	0	
CPB Digitalization Program	36	36	36	
CPB Interconnection	25	0	0	
<i>CPB FY2011 subtotal</i>	86	36	36	
Federal Mediation and Conciliation Service	47	48	48	
Federal Mine Safety and Health Review Committee	10	13	16	
Institute of Museum and Library Services (IMLS)	282	266	271	
Medicare Payment Advisory Commission	12	13	13	
National Council on Disability	3	3	3	
National Health Care Workforce Commission	0	0	3	
National Labor Relations Board	283	287	287	
National Mediation Board	13	14	14	
Occupational Safety and Health Review Commission	12	12	12	
Railroad Retirement Board	178	174	174	

Office or Major Program	FY2010 Comparable	FY2011 Request	FY2011 Senate Comm.	FY2011 Enacted
Social Security Administration (SSA)^a				
SSA Payments to Social Security Trust Funds (mandatory)	20	21	21	
Supplemental Security Income (SSI) (mandatory)	47,300	50,138	50,138	
SSI Administrative Expenses	3,442	3,775	3,775	
SSA SSI subtotal	50,742	53,913	53,913	
Social Security and Medicare Administrative Expenses	8,005	8,604	8,604	
Total SSA Administrative Expenses (non-add)	11,447	12,379	12,379	
SSA Office of Inspector General	103	106	106	
SSA subtotal	58,870	62,644	62,644	
TOTALS, RELATED AGENCIES				
Total Appropriations^b	61,397	65,392	65,352	
Current Year Funding	44,952	51,532	51,492	
One-Year Advance Funding	16,000	13,400	13,400	
Two-Year Advance Funding	445	460	460	

Source: Amounts are based on the August 24, 2010, table from the Senate Committee on Appropriations (see the table in S.Rept. 111-243), with some adjustments that are explained in the opening section of this report. Appropriations are given only for programs included in the annual L-HHS-ED bill. Details may not add to totals due to rounding.

- a. The Social Security trust funds are considered off-budget, but the Supplemental Security Income (SSI) program, SSA administrative expenses, and certain related SSA activities are included in appropriations for L-HHS-ED and Related Agencies.
- b. Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments.

Appendix. Terminology and Web Resources

The following items include some of the key budget terms used in this report; they are based on CRS Report 98-720, *Manual on the Federal Budget Process*, by Robert Keith and Allen Schick. The websites provide general information on the federal budget and appropriations.

Advance appropriation is budget authority that will become available in a fiscal year beyond the fiscal year for which the appropriations act is enacted; scorekeeping counts the entire amount in the fiscal year it first becomes available for obligation.

Appropriation is budget authority that permits federal agencies to incur obligations and to make payments out of the Treasury for specified purposes. Appropriations represent the amounts that agencies may obligate during the period of time specified in the law. Annual appropriations are provided in appropriations acts; most permanent appropriations are provided in substantive law. Major types of appropriations are regular, supplemental, and continuing.

Budget authority is legal authority to incur financial obligations that normally result in the outlay of federal government funds. Major types of budget authority are appropriations, borrowing authority, and contract authority. Budget authority also includes the subsidy cost to the federal government of direct loans and loan guarantees, estimated on a net present value basis.

Budget resolution is a concurrent resolution passed by both chambers of Congress, but not requiring the signature of the President, setting forth the congressional budget for at least five fiscal years. It includes various budget totals and functional allocations.

Discretionary spending is budget authority provided in annual appropriations acts, other than appropriated entitlements.

Entitlement authority is the authority to make payments to persons, businesses, or governments that meet the eligibility criteria established by law; as such, it represents a legally binding obligation on the part of the federal government. Entitlement authority may be funded by either annual or permanent appropriations acts.

Forward funding is budget authority that becomes available after the beginning of the fiscal year for which the appropriation is enacted and remains available into the next fiscal year; the entire amount is counted or scored in the fiscal year in which it first becomes available.

Mandatory (direct) spending is budget authority provided in laws other than annual appropriations acts, including appropriated entitlements.

Rescission is the cancellation of budget authority previously enacted.

Scorekeeping is a set of procedures for tracking and reporting on the status of congressional budgetary actions.

Supplemental appropriation is budget authority provided in an appropriations act that provides funds that are in addition to regular appropriations.

Websites

General information on budget and appropriations may be found at these websites. Specific L-HHS-ED agency sites are listed in relevant sections of this report.

House Committees

<http://appropriations.house.gov/>

<http://democrats.appropriations.house.gov>

<http://budget.house.gov/>

<http://democrats.budget.house.gov/>

Senate Committees

<http://appropriations.senate.gov/>

<http://budget.senate.gov/democratic/>

<http://budget.senate.gov/republican/>

Congressional Budget Office (CBO)

<http://www.cbo.gov/>

Congressional Research Service (CRS)

<http://www.crs.gov/Pages/clis.aspx?cliid=73>

Government Accountability Office (GAO)

<http://www.gao.gov/>

Government Printing Office (GPO)

<http://www.gpoaccess.gov/usbudget/>

Office of Management and Budget (OMB)

<http://www.whitehouse.gov/omb/budget/Overview/>

Statements of Administration Policy (SAPs):

http://www.whitehouse.gov/omb/111/legislative_sap_date/

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Department of Health and Human Services (HHS)	
HHS appropriations coordinator	Pamela W. Smith
Abortion, legal issues	Jon O. Shimabukuro
Abortion procedures	Judith A. Johnson
Agency for Healthcare Research and Quality (AHRQ)	Amanda K. Sarata
AIDS, Ryan White programs	Judith A. Johnson
Bioterrorism, HHS funding	Sarah A. Lister
Cancer research	Judith A. Johnson
Centers for Disease Control and Prevention (CDC)	Sarah A. Lister
Centers for Medicare and Medicaid Services (CMS)	Cliff Binder
Chafee Foster Care Independence Program	Adrienne L. Fernandes-Alcantara
Child abuse and neglect, child welfare	Emilie Stoltzfus
Child care and development	Karen E. Lynch
Children's Health Insurance Program (CHIP; funded in authorizing laws, not through L-HHS-ED)	Evelyne P. Baumrucker
Community Services Block Grant	Karen Spar
Developmental Disabilities Act	Umar Moulta-Ali
Family Planning, Title X	Angela Napili
Federal health centers	Barbara English Elayne J. Heisler
Food and Drug Administration (FDA; funded through Agriculture appropriations act, not through L-HHS-ED)	Susan Thaul
Foster care and adoption	Emilie Stoltzfus
Global health; international AIDS, TB, and malaria	Tiaji Salaam-Blyther
Head Start	Karen E. Lynch
Health professions/Health workforce programs	Bernice Reyes-Akinbileje Elayne J. Heisler
Health Resources and Services Administration (HRSA)	Bernice Reyes-Akinbileje
Immunization	Pamela W. Smith
Indian Health Service (IHS; funded through Interior-Environment appropriations, not through L-HHS-ED)	Elayne J. Heisler
Low-Income Home Energy Assistance Program (LIHEAP)	Libby Perl

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Medicaid	Elicia J. Herz
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Needle exchange, AIDS	Erin Bagalman
NIH, health research policy	Pamela W. Smith
Older Americans Act	Angela Napili Kirsten J. Colello
Pandemic/seasonal influenza	Sarah A. Lister
Public Health Service	Pamela W. Smith
Randolph-Sheppard Act	Umar Moulta-Ali
Refugee Resettlement Assistance	Andorra Bruno
Runaway and Homeless Youth Act	Adrienne L. Fernandes-Alcantara
Social Services Block Grant	Karen E. Lynch
Stem cell research, cloning	Judith A. Johnson Erin D. Williams
Substance Abuse and Mental Health Services Administration (SAMHSA)	C. Stephen Redhead Erin Bagalman
Temporary Assistance for Needy Families (TANF; funded in authorizing laws, not through L-HHS-ED)	Gene Falk
Department of Education (ED)	
ED appropriations coordinator	Gail McCallion
Adequate Yearly Progress (AYP) and accountability	Rebecca R. Skinner
Adult education and literacy	Gail McCallion
After-school programs	Gail McCallion
Assessment in education	Erin D. Lomax
Career (vocational) and technical education	Cassandria Dortch
Charter schools/school choice	Rebecca R. Skinner
College costs and prices	Shannon Mahan
Education block grants	Rebecca R. Skinner
Education technology	Erin D. Lomax
Elementary and secondary education	Rebecca R. Skinner
English language acquisition	Cassandria Dortch Rebecca R. Skinner
Higher education	David P. Smole Cassandria Dortch
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Pell Grants	Shannon Mahan
Reading programs	Gail McCallion
Rehabilitation Act	Umar Moulta-Ali
Safe & Drug-Free Schools & Communities	Gail McCallion
Special education, IDEA	Ann Lordeman
Special education, IDEA, legal issues	Nancy Lee Jones
Student financial assistance/need analysis	David P. Smole Shannon Mahan
Student loans	David P. Smole
Teacher recruitment, preparation, & training	Jeffrey J. Kuenzi
Title I, Education for the Disadvantaged	Rebecca R. Skinner
Vocational rehabilitation	Umar Moulta-Ali
Related Agencies	
Corporation for National & Community Service (VISTA, Senior Corps, AmeriCorps)	Ann Lordeman Abigail B. Rudman
Corporation for Public Broadcasting	Mark Gurevitz
Institute of Museum and Library Services	Gail McCallion Erin D. Lomax
National Labor Relations Board	Gerald Mayer
Natl Labor Relations Board, legal issues	Jon O. Shimabukuro
National Mediation Board	Gerald Mayer
Railroad Retirement Board	Scott Szymendera
Social Security Administration (SSA), administrative expenses	Scott Szymendera
Supplemental Security Income (SSI)	Scott Szymendera

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